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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,628	01/03/2002	Laurent Nivet	P07469US00/DEJ	7356

881 7590 02/20/2003

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,628

Applicant(s)

NIVET, LAURENT

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-9 are objected to because of the following informalities:
 - a. claim 1, lines 4-5, "characterized in that" should be removed;
 - b. claims 2, 3, 7, and 9, line 1, "characterized in that" should be replaced with "wherein";
 - c. claim 4, line 1, "taken together" should be removed;
 - d. claim 8, line 4, "characterized in that" should be removed.Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1, 2, 4-6, and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said step of joint operation" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claims 2 and 9 recite the limitation "it" in line 2 and line 3, respectively. There is insufficient antecedent basis for this limitation in the claims.

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Claims 4-6 recite the limitation "its" in line 3, line 7, and line 7, respectively.

There is insufficient antecedent basis for this limitation in the claims.

Claim 9 recites the limitation "said joint operating means" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8, and 9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,669,780 to Sakakibara et al.

Sakakibara et al. disclose a seat that includes all the limitations recited in claims 1-4, 8, and 9, as best understood. Sakakibara et al. show a seat having a three moving parts 110a, 110b, 401 (Fig. 3), at least two actuators 233 (Fig. 7), 438 (Fig. 10) for moving the three parts, a means for operating (Fig. 12) the two actuators jointly, a means for actuating a first actuator S108 (Fig. 13B), a means for detecting LS(41) (Fig. 12) the first actuator has stopped after the first actuator reached a predetermined position, and a means for actuating S110 (Fig. 13B) a second actuator at an instant subsequent to the actuating of the first actuator separated by a predetermined time. The description of the seat inherently discloses the method of controlling the seat.

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6. Claims 1-9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,651,587 to Kodaverdian.

Kodaverdian discloses a seat that includes all the limitations recited in claims 1-9, as best understood. Kodaverdian shows a seat having a seat cushion 12 (Fig. 1), a leg rest 16 (Fig. 1) articulated to the seat cushion, a foot rest 18 (Fig. 1) that moves with respect to the foot rest, two actuators 36,40 (Fig. 1) arranged between the seat cushion and the leg rest and the other between the leg rest and foot rest, a means for operating 50 (Fig. 2) the two actuators jointly, a means for actuating a first actuator 64a,64b (Fig. 3), a means for detecting (see column 5, lines 34-45) the first actuator has stopped after the first actuator reached a predetermined position, and a means for actuating 66a,66b (Fig. 1) a second actuator at an instant subsequent to the actuating of the first actuator separated by a predetermined time in order to insure the foot rest does not strike the floor. The description of the seat inherently discloses the method of controlling the seat.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seats having controlling dynamics:

U.S. Pat. No. 5,352,020 to Wade et al.	U.S. Pat. No. 5,467,002 to Brooks
U.S. Pat. No. 5,560,681 to Dixon et al.	PCT Pub. No. 97 42050 to Quesne
JP Pub. No. 11 299570 to Yasuhito et al.	FR Pat. No. 2 808 175 to Nivet

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U.S. Pat. No. 6,194,853 B1 to Tual et al. PCT Pub. No. 01 25053 to Marin-Martinod

U.S. Pat. No. 6,441,576 B1 to Marin-Martinod et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE
February 7, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600